

City Council Introduction: **Monday**, May 14, 2001
Public Hearing: **Monday**, May 21, 2001, at **5:30 p.m.**

Bill No. 01R-119

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1912**, requested by Karen S. TeSelle on behalf of Michael Raasch, to permit the sale of alcoholic beverages for consumption off the premises at 1502 West "O" Street.

STAFF RECOMMENDATION: Conditional approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 05/02/01
Administrative Action: 05/02/01

RECOMMENDATION: Conditional approval (8-0: Bayer, Carlson, Duvall, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'; Hunter absent).

FINDINGS OF FACT:

1. The Planning staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4.
2. This application was placed on the Consent Agenda of the Planning Commission on May 2, 2001, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 7, 2001

REVIEWED BY: _____

DATE: May 7, 2001

REFERENCE NUMBER: FS\CC\FSSP1912

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: SPECIAL PERMIT NO. 1912

DATE: May 8, 2001

BUGGY BATH WEST CONVENIENCE STORE **OFF- SALE LIQUOR SALE**

PROPOSAL: Karen S. TeSelle on behalf of Michael D. Raasch, is requesting a special permit for the sale of alcoholic beverages for consumption off the premises of Buggy Bath West Convenience Store located at 1502 West "O" Street.

GENERAL INFORMATION:

APPLICANT: Michael D. Raasch
1645 N Street, Suite E
Lincoln, Ne 68508
(402)438-4040

PROPERTY OWNER: Same

CONTACT: Karen S. TeSelle
1502 West O Street
Lincoln, Ne 68508
(402)489-1222

LOCATION: 1502 West "O" Street, generally located on the northwest corner of 15th and west "O" Streets.

LEGAL DESCRIPTION: Lot 5, except the south 27' thereof, and all Lot 4, Block 13, Woods Bros. Lakeview Acres.

Size: Area of Lot: 12,500 square feet, more or less
Area of Building: 3,879 square feet, more or less

EXISTING ZONING: H-3 Highway Commercial District

EXISTING LAND USE: Car wash and convenience store, under construction.

SURROUNDING LAND USE AND ZONING: To the north is 201 feet of H-3 Highway Commercial which is vacant and R-2 Residential with single-family dwellings. To the west, east and south is H-3 Highway Commercial with permitted H-3 uses.

COMPREHENSIVE PLAN SPECIFICATIONS: This project is in conformance with the Comprehensive Plan, which shows the area as Commercial.

HISTORY: Zoned H-2 Highway Commercial until the zoning update in 1979. In 1979 the zone of the property was updated to H-3 Highway Commercial.

ANALYSIS:

Specific building and site plan requirements have been reviewed by Building and Safety and building permit # B9903725 was issued. Liquor permit requirements are as follows:

1. Under Section **27.63.685** of the Lincoln Municipal Code, alcoholic beverages may be sold for consumption off the premises in the H-3 zone.
2. Parking is in accordance with Sections **27.67.020** and **27.63.685(a)** of the Lincoln Municipal Code, which requires 1 parking stall per 200 square feet of gross floor area. 20 parking stalls are required on site for this 1,925 square-foot structure. A total of 20 stalls are currently provided on this property.
3. Section **27.63.685(c)** of Lincoln Municipal Code states:

The licensed premises of any building approved for such activity must be located no closer than 100 feet from a day care facility, a residential district or residential use, or, if a lesser distance, must mitigate any adverse effects of the reduction in distance through landscaping, screening, or other methods approved by the Planning Director.

The proposed premises meets the requirements of the prescribed distance to the boundaries of residential district to the north.

4. Section **27.63.685(f)** of Lincoln Municipal Code states:

The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers or telephones.

The proposed premises meet the requirements of the prescribed distance to the boundaries of the residential district to the north.

5. Section **27.63.685(g)** of Lincoln Municipal Code states:

No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

Access doors are located on both the east, north and south sides of the restaurant. All access doors meet the requirements of the prescribed distance to the residential dwellings.

6. The primary access for this site is NW 15th street. NW 15th Street is classified as a local street in the Comprehensive Plan.
7. All other regulatory requirements for liquor sale shall apply, including licensing by the State.
8. The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:
 - (1) Revocation or cancellation of the liquor license for the specially permitted premises; or
 - (2) Repeated violations related to the operation of the permittee's business; or
 - (3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the drunkenness, vandalism, solicitation, or litter.

Planning Commission review and City Council approval is required for this use; provided, however, that no special permit or amendment thereto shall be required for interior expansions of existing licensed liquor premises.

9. The Lincoln Police Department has no objections with the plans.
10. The Public Works and Utilities Department has no objections.

STAFF RECOMMENDATION:

Conditional approval

CONDITIONS:

1. This approval permits the sale of alcohol for consumption off the premises in the establishment located at 1502 West "O" Street.
2. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, location of buildings, location of parking and circulation elements, and similar matters.
3. The terms, conditions, and requirements of this resolution bind and obligate the permittee, its successors and assigns.
4. The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Becky Horner
Planner

SPECIAL PERMIT NO. 1912

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

May 2, 2001

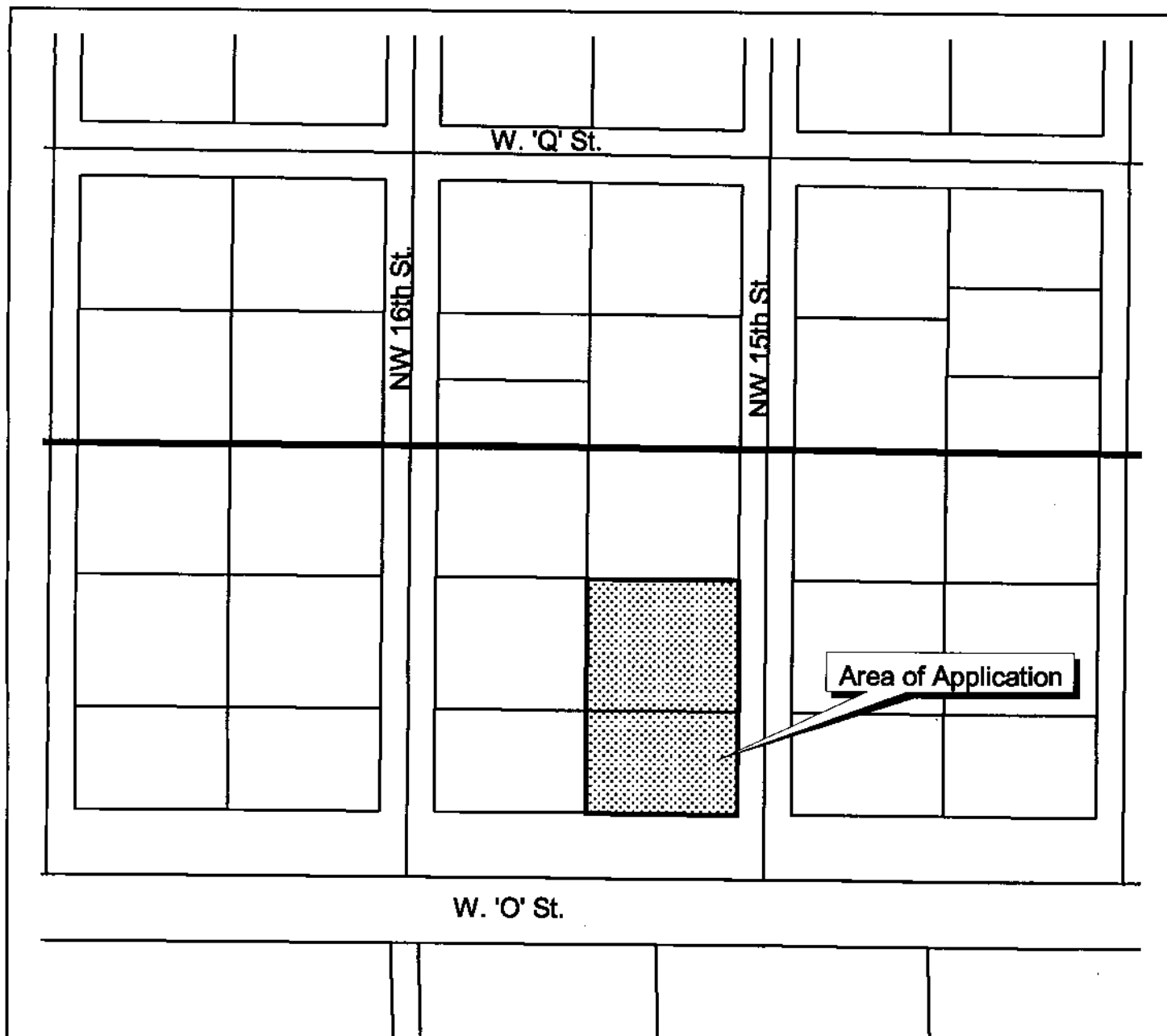
Members present: Bayer, Carlson, Duvall, Krieser, Newman, Schwinn, Steward and Taylor; Hunter absent.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3322, CHANGE OF ZONE NO. 3319, SPECIAL PERMIT NO. 1386B, USE PERMIT NO. 137, SPECIAL PERMIT NO. 1161A, SPECIAL PERMIT NO. 1322F, SPECIAL PERMIT NO. 1887, SPECIAL PERMIT NO. 1906, SPECIAL PERMIT NO. 1912 AND WAIVER OF DESIGN STANDARDS NO. 01002.**

Steward moved to approve the Consent Agenda, seconded by Schwinn and carried 8-0: Bayer, Carlson, Duvall, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'; Hunter absent.

Note: This is final action on Special Permit No. 1161A, Special Permit No. 1322F and Special Permit No. 1906, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

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Special Permit #1912 **1502 W. 'O' St.**

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 21 T10N R6E

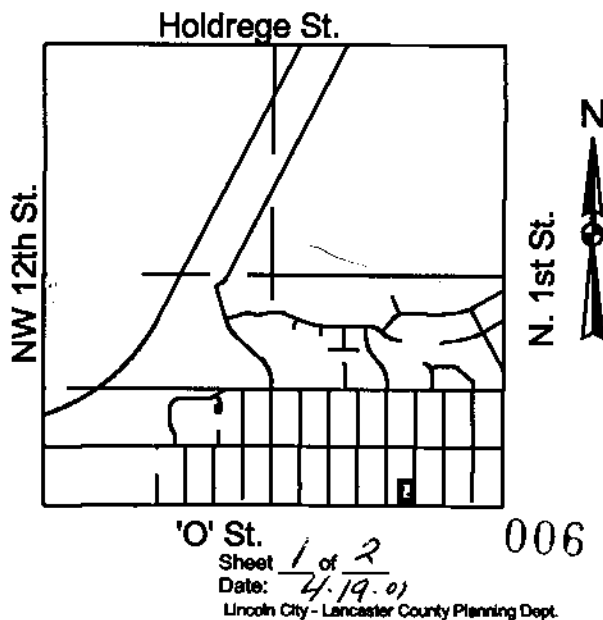


Zoning Jurisdiction Lines



City Limit Jurisdiction

m:\plan\arcview\beckylap1912 (layout 1)





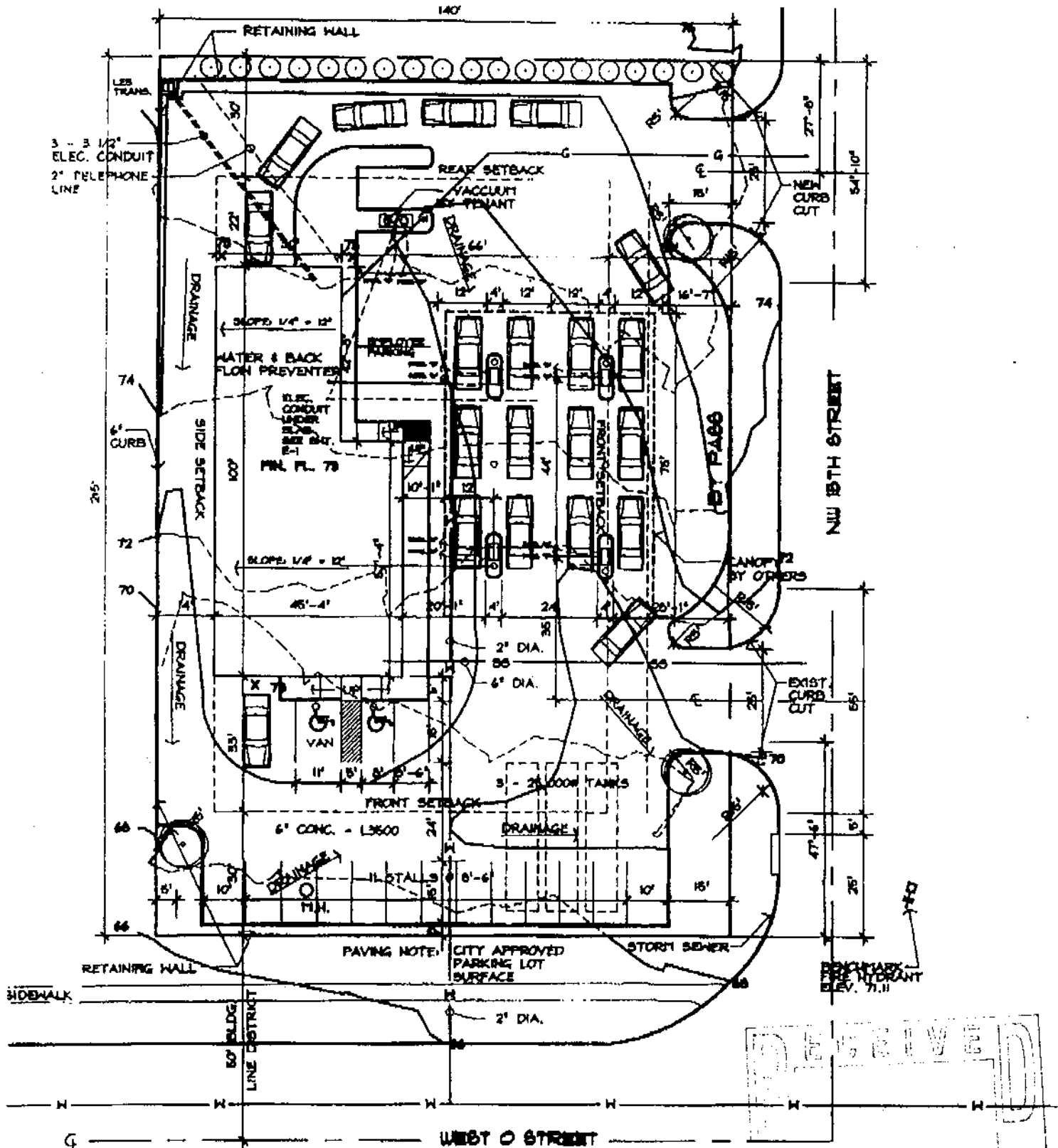
Special Permit #1912
1502 W. 'O' St.



Sheet 2 of 2

Date: 4-19-01

Photograph Date: 1997 007



SITE PLAN

SCALE: 1\"/>

NOTE: CAR WASH IS CONTROLLED BY AN AUTOMATIC CONVEYOR OPERATED SYSTEM.

OVERHEAD DOOR TO REMAIN OPEN DURING OPERATING HOURS.

STORE SQ. FT. = 1,420
MECH. SQ. FT. = 557
WASH SQ. FT. = 1,925

PARKING: 1/200
20 PARKING STALLS
ZONE: H-3

THERE IS TO BE NO PARKING LOT LIGHTING.

--- EXISTING CONTOURS
— NEW CONTOURS

Hutchinson Design
P.C.

HUTCHINSON DESIGN, P.C.
895 SOUTH 18TH STREET, SUITE C-3
LINCOLN, NEBRASKA 68510

008

Replacing License Number (if applicable)

No

Are the proposed licensed premises inside the City Limits of the Town or City? Yes

Y=Yes N=No

Do you own the building and real estate for which a license is sought? If owned, submit a copy of deed or sales contract demonstrating ownership. Y=Yes N=No Yes

If you lease the building or real estate, when does the lease expire?

N/A

Month/Day/Year

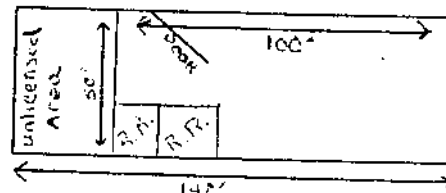
SUBMIT A SIGNED COPY OF YOUR LEASE EXTENDING THROUGH LICENSE YEAR

Are you filing a temporary agency agreement, whereby current licensee allows you to operate on their license? No
Y=Yes N=No If yes, attach copy

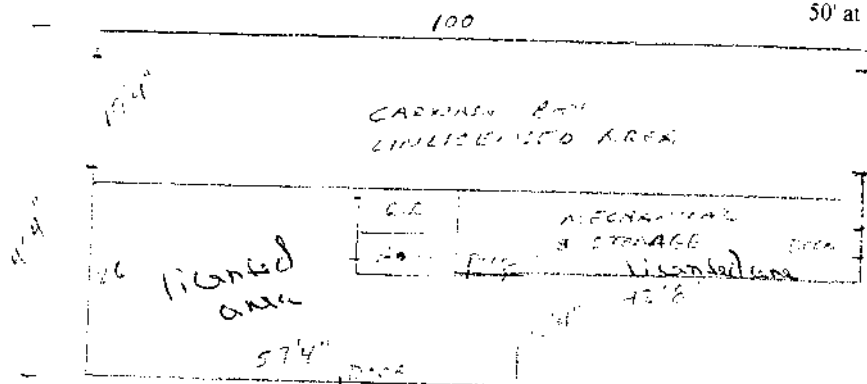
DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED

In the Space Provided draw the area to be licensed. This should include storage areas, basement, sales areas and areas of consumption. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the entire building, as well as the licensed area. No blue prints will be accepted. Be sure to indicate the direction North and number of stories in the building.

N ↑



EXAMPLE: East portion Approx. 50' x 100' of main floor of 3 story building plus basement approx. 30' x 50' at the East end.



1 story bldg
26' x 57'4"
15'4" x 42'8"

LEGAL DESCRIPTION OF PREMISES TO BE LICENSED

Woods Brothers Lakeview Acres, Lot 4 & Lot 5, Except South 27', Block 13, Lincoln, Lancaster County, Nebraska

INFORMATION REQUIRED

READ CAREFULLY-ANSWER FULLY AND ACCURATELY

Has anyone who is a party to this application, or their spouse, ever been convicted of, or pled guilty to any criminal charge? Criminal charge means any charge alleging a violation of a Federal, State or local law or ordinance. List the nature of the charge, where the charge occurred and the year and month of the conviction or guilty plea. Also list any charges pending at the time of this application.

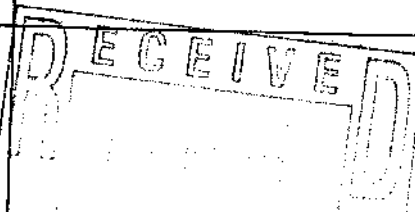
YES

NO

Explanation/Comments

X

X



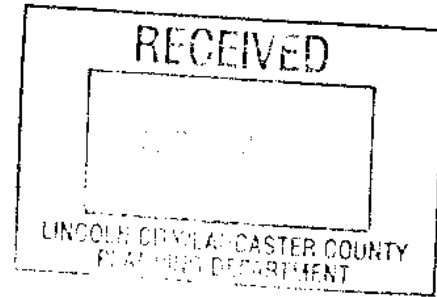
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FORM 35-4010

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REV 11/00

Memorandum



To: Ray Hill, Planning Department
From: Gary Lacy, Public Works and Utilities *GL*
Subject: Buggy Bath West Convenience Store, Alcohol Sales Special Permit 1912
Date: April 4th, 2001
cc: Roger Figard, Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Alcohol Sales Special Permit for Buggy Bath West Convenience Store. Public Works has no objections to this request.



Ray F Hill

04/10/01 12:58 PM

To: Rebecca D Horner/Notes@Notes
cc:
Subject:

----- Forwarded by Ray F Hill/Notes on 04/10/01 01:03 PM -----



"M.Woolman"
<lpd737@CJIS.CI.LIN
COLN.NE.US>

04/09/01 09:54 AM

To: RHill@ci.lincoln.ne.us
cc:
Subject:

Ray,

The Lincoln Police Department has no objections to the Buggy Bath West Convenience Store Alcohol Sales Permit.

Michael S. Woolman
Planning Sergeant
Lincoln Police Department